

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHANE ROSS,

Plaintiff,

v.

RYAN JOHNSON, et al.,

Defendant.

Case No. C14-1517-JCC

**REPORT AND
RECOMMENDATION**

Defendants, proceeding *pro se*, filed a Notice of Removal of an action originating in King County Superior Court, accompanied by an application to proceed *in forma pauperis* (“IFP”). On October 2, 2014, the Court denied defendants leave to proceed IFP and ordered them to pay the court filing fee by November 3, 2014. Dkt. 3. The Court advised defendants that if no filing fee was paid, the Court would recommend the case be closed. *Id.* As of the date of this Report and Recommendation, defendants have neither paid the filing fee, nor offered any excuse for their failure to do so. Accordingly, the Court recommends the case be **DISMISSED** for failure to pay the filing fee pursuant to 28 U.S.C. § 1914, and **REMANDED** to King County Superior Court. In the alternative, if this Report and Recommendation is not adopted, the Court recommends the complaint be reviewed under 28 U.S.C. § 1915(e)(2)(B) before issuance of summons.

OBJECTIONS AND APPEAL

This Report and Recommendation is not an appealable order. Therefore a notice of appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the assigned District Judge enters a judgment in the case.

Objections, however, may be filed and served upon all parties no later than **November 19, 2014**. The Clerk should note the matter for **November 20, 2014**, as ready for the District Judge's consideration if no objection is filed. If objections are filed, any response is due within 14 days after being served with the objections. A party filing an objection must note the matter for the Court's consideration 14 days from the date the objection is filed and served. The matter will then be ready for the Court's consideration on the date the response is due. Objections and responses shall not exceed eight (8) pages. The failure to timely object may affect the right to appeal.

DATED this 5th day of November, 2014.



BRIAN A. TSUCHIDA
United States Magistrate Judge